

14

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

608-614 West 189th St LLC

Plaintiff,

Index No. 48231/10

DECISION/ORDER

-against-

Jemmul Apante
Joanna Santos

Defendant.

(Jemmul Apante)

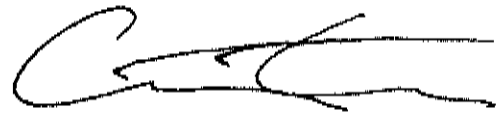
THE DECISION/ORDER on defendant's motion to vacate a Default Judgment and restore the case to the calendar is granted on consent to the following extent:

The default Judgment is vacated. Any restraints, liens and executions are vacated. The proposed Answer is deemed served and filed.

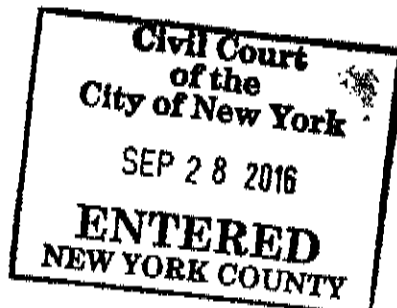
The case is settled pursuant to the attached stipulation of settlement.

This constitutes the decision and order of the court.

9/28/16
Date


Judge, Civil Court

HON. ANTHONY CANNATARO



CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORKSTIPULATION OF
SETTLEMENT608-614 West 189th St LLC
Plaintiff,

Index No: 48231/10

-against-

Jemmil Aponte
Joanna Santos

Defendant.

* File No: 12752

IT IS HEREBY STIPULATED that the above entitled matter is settled upon the following terms and conditions:

1. THIS ACTION IS SETTLED AS FOLLOWS:

Defendant will pay to Plaintiff in full settlement of this matter the sums set forth as follows:

- a) \$150.00 to be paid on or before the 28th day of October, 2016; and
- b) \$150.00 to be paid monthly thereafter on or before the 28th day of each such successive month commencing as of the 28th day of November 2016, such monthly payments to continue until \$ 3500.00 has been paid in full.

2. All required payments shall be made payable and mailed to Kavulich & Associates PC as attorneys for the Plaintiff, at Kavulich and Associates PC, 181 Westchester Avenue, Suite 500C, Port Chester NY 10573. All payments received are subject to collection.

* include file # 12752 on all payments

3. Provided that the Defendant is not in default of the Payment requirements set forth above, Plaintiff shall accept the sums set forth in paragraph one (1) above in full settlement of its claim against said Defendant and

4. Defendant consents to jurisdiction of this court & any/all counterclaims brought by defendant are discontinued with prejudice.

5. In the event that the Defendant shall default in making any of the payments required hereunder, then Plaintiff shall mail written notice, via regular mail, of any such default to the Defendant at the address listed below. If any such default shall remain uncured for ten (10) days from the mailing of such notice, then Plaintiff may enter judgment for the amount sued for in the summons and complaint, plus interest, costs and disbursements as permitted by law, less a credit upon execution, for any payments paid hereunder.

6. Upon receipt and clearance of final payment, Plaintiff will issue a stipulation of discontinuance.

Dated: 9/28/16

→ Joanna Santos
→ Jemmil Aponte
Defendant

Attorneys for the Plaintiff

By:

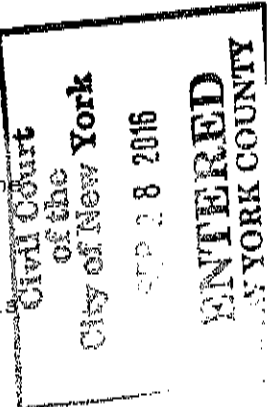
Simone B. Roca
of counsel

(914) 355 2074

Address: 172 RAVIDE AVE
#3C, Yonkers, N.Y. 10701

SO-ORDERED

HON. ANTHONY CANNATARO



Civil Court of the City of New York
County of New York

Index Number: CV-048231-10/NY

608-614 West 189th Street Llc
-against-
Jemmil Aponte... et al.



ORDER TO SHOW CAUSE

To restore case to the calendar, and vacate any judgment, liens and income executions on this defendant on this Index number, allow proposed answer or dismissing the action

UPON the annexed affidavit of Jemmil Aponte, sworn to on May 25, 2016, and upon all papers and proceedings herein;

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

111 Centre Street, New York, NY 10013
Part 34 - SRL Proc Motions, Room 325
on September 28, 2016 at 9:30 AM

FILE UNAVAILABLE

or as soon thereafter as counsel may be heard, why an order should not be made:

VACATING the Judgment, and all income executions and restraining notices, if any, restoring the case to the calendar, allow proposed answer or dismissing the action if warranted, and/or granting such and further relief as may be just.

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):
(Judge to Initial)

Sheriff or Marshal:
(Judge to Initial)

_____ by Personal Service by " In Hand Delivery"
_____ by Certified Mail, Return Receipt Requested
XX _____ by First Class Mail with official Post Office
Certificate of Mailing

_____ by Personal Service by " In Hand Delivery"
_____ by Certified Mail, Return Receipt Requested
_____ by First Class Mail with official Post Office
Certificate of Mailing

on or before 9/1/16, shall be deemed good and sufficient

PROOF OF SUCH SERVICE may be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

Mail to Attorney or party:

Kavulich & Associates PC (Counsel for Pltf), at 181
Westchester Avenue, Suite 500C, Port Chester, NY 10573

Marshal or Sheriff:

Marshal of the City of New York
none
none, NY 00000

May 25, 2016

DATE

Hon. Lisa A. Sokoloff, Civil Court Judge (NYC)

HON. LISA SOKOLOFF

Al Court of the City of New York, County of New York
 08-614 West 189th Street Llc
 -against-
 Jemmil Aponte... et al.

Index #: CV-048231-10/NY

Affidavit in support of an order to show cause
 to restore case to the calendar, vacate any
 judgment, liens and income executions on this
 defendant on this Index number,
 allow proposed answer or dismissing the action

State of New York, County of New York:

Jemmil Aponte, being duly sworn, deposes and says:

(Defendant's initials)

1. JA a) I am the Party named as (Defendant)(Respondent) in the above titled action
2. JA a) I have been served with a summons and complaint in this action. [NOTE: if Small Claims skip #3, and go to #4]
JA b) I have not been served, and my first notice of legal action was [NOTE: if you complete any of #2b, skip #3, #4, #5, and go to #6]
 a Notice of Default Judgment mailed to me
JA a Restraining Notice on my bank account
 a copy of an Income Execution served on _____
 Other: _____
3. _____ a) I did not appear and answer in the Clerk's Office because: [NOTE: if you complete # 3a, skip and go to #6].
 b) I did not appear and answer in the Clerk's Office
 and I received a date for trial
 but the answer was entered late
 Other: _____
4. On the Date of Trial before Judge/Arbitrator
 a stipulation(a written agreement) was made between claimant/plaintiff and defendant.
 a judgment was entered after the trial.
 a judgment was entered against me by default for my failure to appear.
 Other: _____
5. My reason for not
 complying with the stipulation is _____
 following the order of the Court is _____
 appearing in court on the date scheduled for trial is _____
 Other: _____
6. JA I allege that I have a good defense because: see attach
7. JA a) I have not had a previous Order to Show Cause regarding this index number.
 b) I have had a previous Order to Show Cause regarding this index number but I am making this application
 because: _____
8. JA I request that the Judgment be vacated, that the case be restored to the calendar, and permission to serve these
 papers in person.

Sworn to before me this day:
 May 25, 2016

Tano Bul et al.
 Signature of Court Employee and Title

(Sign Name)

JA
 Jemmil Aponte
 38 Glenwood Ave
 Apt 1 D
 Yonkers, NY 10701-2240

Court of the City of New York,
County of New York

Index No: CV-048231-10/NY



608-614 West 189th Street LLC

Plaintiff(s)

-against-

Jemmil Aponte; Joanna Santos

Defendant(s)

PROPOSED

**ANSWER IN PERSON
AND VERIFICATION**

Defendant is advised to mail a copy of this Answer to:

Kavulich & Associates PC (Counsel for
Pltff)
181 Westchester Avenue
Suite 500C
Port Chester, NY 10573

State of New York, County of New York:

I, **Jemmil Aponte**, am the Defendant in this action. As my answer to the allegation(s) made in the Complaint, I offer the following:

1. General Denial

2. I don't own the all amount
of money they asking for.

3. Counterclaim: \$ Reason:

Date: 05/25/2016

Signature of Defendant in Person

Jemmil Aponte, residing at 38 Glenwood Ave, Apt 1 D,
Yonkers, NY 10701-2240

VERIFICATION

State of New York, County of ss:

Jemmil Aponte, being duly sworn, deposes and says: I am the Defendant in this proceeding. I have read the Answer in Person and know the contents thereof to be true to my own knowledge except as to those matters stated on information and belief, and as to those matters I believe them to be true.

Sworn to before me this 25th day of May, 2016

Jas Bul cp.


Notary Public /Court Employee and Title

Defendant

For Court Use Only

Initial Calendar Date:

Both Sides Notified:

Department Civil Court		Location (Box Number)	
Office Records Room		Records Title (From Records Control Sheet)	
Address and Room # 111 Centre Street New York, NY 10013		Specific Name or Number and Year Index : CV-048231-10/NY 	
Signature	Date: May 25, 2016	Caption: 608-614 West 189th Street Llc Plaintiff(s) -against- Jemmil Aponte; Joanna Santos Defendant(s)	
Title	Tel.		

FOR RECORDS OFFICE USE ONLY

Date Submitted to MRC	Date Record or Reply Received	Date Record Returned to MRC
Remarks DSC 2 wks		

FOR MUNICIPAL RECORDS CENER USE ONLY

Date Regn. Received		Date Record or Reply Forwarded		Researcher	
<input type="checkbox"/>	Requisition Filled	<input type="checkbox"/>	Additional Information Needed (See Remarks)		
<input type="checkbox"/>	Charged Out - Name and Unit: Date see remarks)	<input type="checkbox"/>	Disposed		
<input type="checkbox"/>	Record Not in File	<input type="checkbox"/>	Box Range		
<input type="checkbox"/>	Name Differs (see remarks)	<input type="checkbox"/>	Other (see Remarks)		
<input type="checkbox"/>	Record Series not in MRC	<input type="checkbox"/>			
Remarks					
CIV-AD-10 (Rev 2/92)					

Civil Court of the City of New York
County of New York

608-614 West 189th Street Llc
-against-
Jemmil Aponte... et al.

Index Number: CV-048231-10/NY



ORDER TO SHOW CAUSE

To restore case to the calendar, and vacate any judgment, liens and income executions on this defendant on this Index number, allow proposed answer or dismissing the action

UPON the annexed affidavit of Jemmil Aponte, sworn to on May 25, 2016, and upon all papers and proceedings herein:

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

111 Centre Street, New York, NY 10013

Part 34 - SRL Proc Motions, Room 325

on September 28, 2016 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

FILE UNAVAILABLE

VACATING the Judgment, and all income executions and restraining notices, if any, restoring the case to the calendar, allow proposed answer or dismissing the action if warranted, and/or granting such and further relief as may be just.

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):
(Judge to Initial)

Sheriff or Marshal:
(Judge to Initial)

_____ by Personal Service by " In Hand Delivery"
_____ by Certified Mail, Return Receipt Requested
☒ by First Class Mail with official Post Office
Certificate of Mailing

_____ by Personal Service by " In Hand Delivery"
_____ by Certified Mail, Return Receipt Requested
_____ by First Class Mail with official Post Office
Certificate of Mailing

on or before 9/1/16, shall be deemed good and sufficient

PROOF OF SUCH SERVICE may be filed with the Clerk in the Part
indicated above on the return date of this Order to Show Cause.

Mail to Attorney or party:

Kavulich & Associates PC (Counsel for Pltf), at 181
Westchester Avenue, Suite 500C, Port Chester, NY 10573

Marshal or Sheriff:

Marshal of the City of New York
none
none, NY 00000

May 25, 2016

DATE

Hon. Lisa A. Sokoloff, Civil Court Judge (NYC)

HON. LISA SOKOLOFF

Court of the City of New York, County of New York
 6-614 West 189th Street Llc
 -against-
 Jemmil Aponte... et al.

Index #: CV-048231-10/NY

Affidavit in support of an order to show cause
 to restore case to the calendar, vacate any
 judgment, liens and income executions on this
 defendant on this Index number,
 allow proposed answer or dismissing the action

State of New York, County of New York:

Jemmil Aponte, being duly sworn, deposes and says:

(Defendant's initials)

1. JA a) I am the Party named as (Defendant)(Respondent) in the above titled action
2. JA a) I have been served with a summons and complaint in this action. [NOTE: if Small Claims skip #3, and go to # 4]
JA b) I have not been served, and my first notice of legal action was [NOTE: if you complete any of #2b,
 skip #3, #4, #5, and go to #6]
 _____ a Notice of Default Judgment mailed to me
 JA a Restraining Notice on my bank account
 _____ a copy of an Income Execution served on _____
 _____ Other: _____
3. _____ a) I did not appear and answer in the Clerk's Office because: [NOTE: if you complete # 3a, skip and go to #6].
 _____ b) I did not appear and answer in the Clerk's Office
 _____ and I received a date for trial
 _____ but the answer was entered late
 _____ Other: _____
4. On the Date of Trial before Judge/Arbitrator
 _____ a stipulation(a written agreement) was made between claimant/plaintiff and defendant.
 _____ a judgment was entered after the trial.
 _____ a judgment was entered against me by default for my failure to appear.
 _____ Other: _____
5. My reason for not
 _____ complying with the stipulation is _____
 _____ following the order of the Court is _____
 _____ appearing in court on the date scheduled for trial is _____
 _____ Other: _____
6. JA I allege that I have a good defense because: See attach
7. JA a) I have not had a previous Order to Show Cause regarding this index number.
 _____ b) I have had a previous Order to Show Cause regarding this index number but I am making this application
 _____ because: _____
8. JA I request that the Judgment be vacated, that the case be restored to the calendar, and permission to serve these
 papers in person.

Sworn to before me this day:

May 25, 2016

Viano Bulcra
 Signature of Court Employee and Title

(Sign Name)

JA
 Jemmil Aponte
 38 Glenwood Ave
 Apt 1 D
 Yonkers, NY 10701-2240

Court of the City of New York,
County of New York

Index No: CV-048231-10/NY



608-614 West 189th Street LLC

Plaintiff(s)

-against-

Jemmil Aponte; Joanna Santos

Defendant(s)

PROPOSED

ANSWER IN PERSON AND VERIFICATION

Defendant is advised to mail a copy of this Answer to:

Kavulich & Associates PC (Counsel for
Pltf)

181 Westchester Avenue

Suite 500C

Port Chester, NY 10573

State of New York, County of New York:

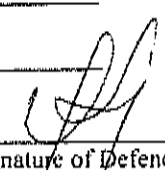
I, **Jemmil Aponte**, am the Defendant in this action. As my answer to the allegation(s) made in the Complaint, I offer the following:

1. General Denial

2. I don't own the all amount
of money they asking for.

3. Counterclaim: \$ Reason:

Date: 05/25/2016


Signature of Defendant in Person

Jemmil Aponte, residing at 38 Glenwood Ave, Apt 1 D,
Yonkers, NY 10701-2240

VERIFICATION

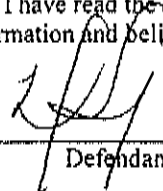
State of New York, County of ss:

Jemmil Aponte, being duly sworn, deposes and says: I am the Defendant in this proceeding. I have read the Answer in Person and know the contents thereof to be true to my own knowledge except as to those matters stated on information and belief, and as to those matters I believe them to be true.

Sworn to before me this 25th day of May, 2016

Jas Baul et al.


Notary Public / Court Employee and Title


Defendant

For Court Use Only

Initial Calendar Date:

Both Sides Notified:

Department Civil Court		Location (Box Number)
Office Records Room		Records Title (From Records Control Sheet)
Address and Room # 111 Centre Street New York, NY 10013		Specific Name or Number and Year Index : CV-048231-10/NY 
Signature	Date: May 25, 2016	Caption: 608-614 West 189th Street Llc Plaintiff(s) -against- Jemmil Aponte; Joanna Santos Defendant(s)
Title	Tel.	

FOR RECORDS OFFICE USE ONLY

Date Submitted to MRC	Date Record or Reply Received	Date Record Returned to MRC
Remarks O S C 2 <u>WKS</u>		

FOR MUNICIPAL RECORDS CENER USE ONLY

Date Regn. Received		Date Record or Reply Forwarded		Researcher	
<input type="checkbox"/>	Requisition Filled	<input type="checkbox"/>	Additional Information Needed (See Remarks)		
<input type="checkbox"/>	Charged Out - Name and Unit: Date see remarks)	<input type="checkbox"/>	Disposed		
<input type="checkbox"/>	Record Not in File	<input type="checkbox"/>	Box Range		
<input type="checkbox"/>	Name Differs (see remarks)	<input type="checkbox"/>	Other (see Remarks)		
<input type="checkbox"/>	Record Series not in MRC	<input type="checkbox"/>			
Remarks					
CIV-AD-10 (Rev 2/92)					

Civil Court of the City of New York

Cal #: S-16-NY-000698

Trial Ready Date: February 3, 2016

Index #: CV-048231-10/NY



2

Page 12

Summons and Complaint (Attorney) - [General]

Part: Part 11 SRL

Court Date: 05/25/2016

Amount Sued For: \$9,500.00

(P) 608-614 West 189th Street Llc

Kavulich & Associates PC, 181 Westchester Avenue, Suite 500C, Port Chester, NY 10573 (914) 355-2074 ext:

(D) Jemmil Aponte

38 Glenwood Ave, Apt 1 D, Yonkers, NY 10701-2240

(D) Joanna Santos

620 West 189th St, Apt 2 F, New York, NY 10040-4224

Breach of Contract or Warranty

\$9,500.00

12/01/2009

adj 9-28-16

(29)

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

608-614 West 189th
Street LLC

Plaintiff,

-against-

Joanna Santos
Jemmel Apante

Defendant.

Index No. 48231/10

DECISION/ORDER

THE DECISION/ORDER on defendant's motion to vacate the default judgment and restore the case to the calendar is granted on consent to the following extent:

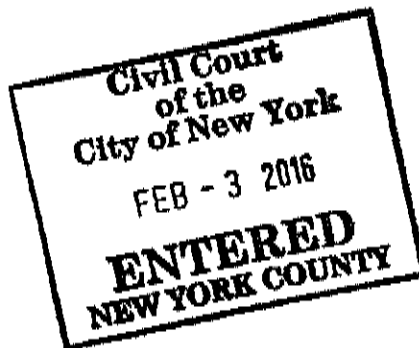
The default judgment is vacated as to Defendant Joanna Santos. Any restraints, liens and executions are vacated. The proposed Answer is deemed served and filed.

The case is restored to the Part 11 calendar, in room 325 at 9:30AM, for conference, to be held on May 25 2016

This constitutes the decision and order of the court.

Date

2/3/16



Judge, Civil Court

HON. ANTHONY CANNATARO

Plaintiff(s)

-against-

Jemmil Aponte; Joanna Santos

Defendant (s)

Decision / Order

Recitation, as required by CPLR 2219(a), of the papers considered in the review of this motion:

Papers	Numbered
Order to show Cause/ Notice of Motion and Affidavits /Affirmations annexed	_____
Answering Affidavits/ Affirmations	_____
Reply Affidavits/ Affirmations	_____
Memoranda of Law	_____
Other	_____

Upon the foregoing cited papers, the Decision/ Order on the (motion / order to show cause) is (granted /denied) for the following reason(s):

Date: _____

Judge of the Civil Court

Civ-GP-85

Court of the City of New York
City of New York

08-614 West 189th Street Llc
-against-
Jemmil Aponte... et al.

Index Number: CV-048231-10/NY



ORDER TO SHOW CAUSE

To restore case to the calendar, and vacate any judgment, liens and income executions on this defendant on this Index number, allow proposed answer or dismissing the action

UPON the annexed affidavit of Joanna Santos, sworn to on October 21, 2015, and upon all papers and proceedings herein:

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

111 Centre Street, New York, NY 10013
Part 34 - SRL Proc Motions, Room 325
on November 13, 2015 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

VACATING the Judgment, and all income executions and restraining notices, if any, restoring the case to the calendar, allow proposed answer or dismissing the action if warranted, and/or granting such and further relief as may be just.

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):
(Judge to Initial)

☒ by Personal Service by "In Hand Delivery"
☐ by Certified Mail, Return Receipt Requested
☐ by First Class Mail with official Post Office
Certificate of Mailing

Sheriff or Marshal:
(Judge to Initial)

☐ by Personal Service by "In Hand Delivery"
☐ by Certified Mail, Return Receipt Requested
☒ by First Class Mail with official Post Office
Certificate of Mailing

on or before 10/27/15, shall be deemed good and sufficient

PROOF OF SUCH SERVICE may be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

Mail to Attorney or party:

Kavulich & Associates PC (Counsel for Plt), at 181
Westchester Avenue, Suite 500C, Port Chester, NY 10573

Marshal or Sheriff:

Marshal of the City of New York
Biegel, Stephen, Marshal
109 W 38th Street
Suite 300
New York, NY 10018-3615

October 21, 2015

DATE

Hon. Debra Rose Samuels, Civil Court Judge (NYC)

DEBRA ROSE SAMUELS
JUDGE, CIVIL COURT

City of the City of New York, County of New York

Index #: CV-048231-10/NY

64 West 189th Street LLC

-against-

Mil Aponte... et al.

Affidavit in support of an order to show cause to restore case to the calendar, vacate any judgment, liens and income executions on this defendant on this Index number, allow proposed answer or dismissing the action

State of New York, County of New York:

Joanna Santos, being duly sworn, deposes and says:

(Defendant's initials)

① JS I am the Party named as (Defendant) in the above titled action

② JS a) I have been served with a summons and complaint in this action. [NOTE: if Small Claims skip #3, and go to # 4]

b) I have not been served, and my first notice of legal action was [NOTE: if you complete any of #2b, skip #3, #4, #5, and go to #6]

_____ a Notice of Default Judgment mailed to me

_____ a Restraining Notice on my bank account

JS a copy of an Income Execution served on WORK ADDRESS

_____ Other: _____

3. a) I did not appear and answer in the Clerk's Office because: [NOTE: if you complete # 3a, skip and go to #6].

b) I did not appear and answer in the Clerk's Office

_____ and I received a date for trial

_____ but the answer was entered late

_____ Other: _____

4. On the Date of Trial before Judge/Arbitrator

_____ a stipulation (a written agreement) was made between claimant/plaintiff and defendant.

_____ a judgment was entered after the trial.

_____ a judgment was entered against me by default for my failure to appear.

_____ Other: _____

5. My reason for not

_____ complying with the stipulation is _____

_____ following the order of the Court is _____

_____ appearing in court on the date scheduled for trial is _____

_____ Other: _____

6. I allege that I have a good defense because:

See Attached Proposed Answer

⑦ JS a) I have not had a previous Order to Show Cause regarding this index number.

b) I have had a previous Order to Show Cause regarding this index number but I am making this application because: _____

⑧ JS I request that the Judgment be vacated, that the case be restored to the calendar, and permission to serve these papers in person.

Sworn to before me this day:

October 21, 2015

Rick D. Young (Sign Name)

Signature of Court Employee and Title

Joanna Santos
620 West 189th St

Apt 2 F

New York, NY 10040-4224

City of the City of New York,
of New York

Index No: CV-048231-10/NY



614 West 189th Street LLC
Plaintiff(s)
-against-
Jemmil Aponete; Joanna Santos
Defendant(s)

ANSWER IN PERSON AND VERIFICATION

Defendant is advised to mail a copy of this Answer to:
Kavulich & Associates PC (Counsel for
Pltf)
181 Westchester Avenue
Suite 500C
Port Chester, NY 10573

State of New York, County of New York:

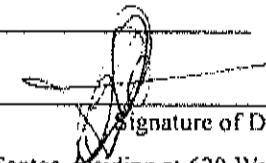
I, Joanna Santos, am the Defendant in this action. As my answer to the allegation(s) made in the Complaint, I offer the following:

1. ☐ General Denial

2. ☒ I do not owe this amount of money.

3. Counterclaim: \$ _____ Reason: _____

Date: 10/21/2015

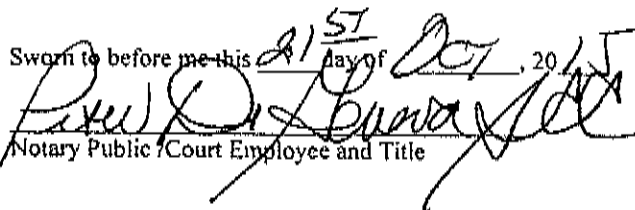
X 
Signature of Defendant in Person

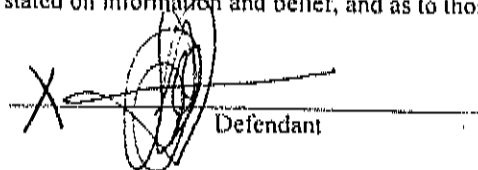
Joanna Santos, residing at 620 West 189th St, Apt 2 F, New York, NY 10040-4224

VERIFICATION

State of New York, County of New York ss:

Joanna Santos, being duly sworn, deposes and says: I am the Defendant in this proceeding. I have read the Answer in Person and know the contents thereof to be true to my own knowledge except as to those matters stated on information and belief, and as to those matters I believe them to be true.

Sworn to before me this 21ST day of Oct, 2015

Notary Public / Court Employee and Title

X 
Defendant

For Court Use Only

Initial Calendar Date: _____

Both Sides Notified: _____

Civil Court of the City of New York
County of New York

Index # CV-048231-10/NY



608-614 West 189th Street LLC

Plaintiff(s)

-against-

Jemmil Aponte; Joanna Santos

Defendant(s)

Decision / Order

Denial No Appearance Movant

*as to defendant
Jemmil Aponte*

Recitation, as required by CPLR 2219(a), of the papers considered in the review of this motion:

Papers	Numbered
Order to show Cause/ Notice of Motion and Affidavits /Affirmations annexed	_____
Answering Affidavits/ Affirmations	_____
Reply Affidavits/ Affirmations	_____
Memoranda of Law	_____
Other	_____

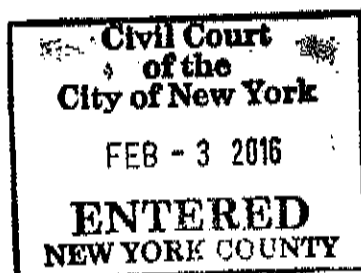
Upon the foregoing cited papers, the Decision/Order on the Motion is as follows:

The motion is denied by reason of the nonappearance of the movant. All stays are lifted.

The foregoing shall constitute the Decision and Order of the Court.

February 3, 2016

Hon. Anthony Cannataro
Civil Court Judge (NYC)



County of New York

DO AM



29

608-614 West 189th Street Llc

Plaintiff(s)

-against-

Decision / Order

Jemmil Aponte; Joanna Santos

Defendant(s)

Recitation, as required by CPLR 2219(a), of the papers considered in the review of this motion:

Papers	Numbered
Order to show Cause/ Notice of Motion and	
Affidavits /Affirmations annexed	
Answering Affidavits/ Affirmations	
Reply Affidavits/ Affirmations	
Memoranda of Law	
Other	

Upon the foregoing cited papers, the Decision/ Order on the (motion / order to show cause) is
(granted /denied) for the following reason(s):

Date: _____

Judge of the Civil Court

Civ-GP-85

Civil Court of the City of New York
County of New York

608-614 West 189th Street Llc
-against-
Jemmil Aponte... et al.

Index Number: CV-048231-10/NY



ORDER TO SHOW CAUSE

To restore case to the calendar, and vacate any judgment, liens and income executions on this defendant on this Index number, allow proposed answer or dismissing the action

UPON the annexed affidavit of Jemmil Aponte, sworn to on October 21, 2015, and upon all papers and proceedings herein:

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

111 Centre Street, New York, NY 10013
Part 34 - SRL Proc Motions, Room 325
on November 13, 2015 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

VACATING the Judgment, and all income executions and restraining notices, if any, restoring the case to the calendar, allow proposed answer or dismissing the action if warranted, and/or granting such and further relief as may be just.

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):
(Judge to Initial)

Sheriff or Marshal:
(Judge to Initial)

_____ by Personal Service by " In Hand Delivery"
_____ by Certified Mail, Return Receipt Requested
_____ ☒ by First Class Mail with official Post Office
Certificate of Mailing

_____ by Personal Service by " In Hand Delivery"
_____ by Certified Mail, Return Receipt Requested
_____ ☒ by First Class Mail with official Post Office
Certificate of Mailing

on or before 10/27/15, shall be deemed good and sufficient

PROOF OF SUCH SERVICE may be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

Mail to Attorney or party:

Kavulich & Associates PC (Counsel for Plt), at 181
Westchester Avenue, Suite 500C, Port Chester, NY 10573

Marshal or Sheriff:

Marshal of the City of New York
Biegel, Stephen, Marshal
109 W 38th Street
Suite 200
New York, NY 10018-3615

October 21, 2015

DATE

DEBRA ROSE SAMUELS
JUDGE, CIVIL COURT

Hon. Debra Rose Samuels, Civil Court Judge (NYC)

art of the City of New York, County of New York

Index #: CV-048231-10/NY

14 West 189th Street LLC
-against-
Jemmil Aponte... et al.

Affidavit in support of an order to show cause
to restore case to the calendar, vacate any
judgment, liens and income executions on this
defendant on this Index number,
allow proposed answer or dismissing the action

State of New York, County of New York:

Jemmil Aponte, being duly sworn, deposes and says:

(Defendant's initials)

1. JA a) I am the Party named as (Defendant) in the above titled action

2. JA a) I have been served with a summons and complaint in this action. [NOTE: if Small Claims skip #3, and go to # 4]
b) I have not been served, and my first notice of legal action was [NOTE: if you complete any of #2b,
skip #3, #4, #5, and go to #6]

JA a Notice of Default Judgment mailed to me
a Restraining Notice on my bank account
a copy of an Income Execution served on THE OTHER DEFENDANT
Other: _____

3. JA a) I did not appear and answer in the Clerk's Office because: [NOTE: if you complete # 3a, skip and go to #6].

b) I did not appear and answer in the Clerk's Office
and I received a date for trial
but the answer was entered late
Other: _____

4. On the Date of Trial before Judge/Arbitrator
a stipulation (a written agreement) was made between claimant/plaintiff and defendant.
a judgment was entered after the trial.
a judgment was entered against me by default for my failure to appear.
Other: _____

5. My reason for not
complying with the stipulation is _____
following the order of the Court is _____
appearing in court on the date scheduled for trial is _____
Other: _____

6. I allege that I have a good defense because:

See Attached Proposed Answer

7. JA a) I have not had a previous Order to Show Cause regarding this index number.
b) I have had a previous Order to Show Cause regarding this index number but I am making this application
because: _____

8. JA I request that the Judgment be vacated, that the case be restored to the calendar, and permission to serve these
papers in person.

Sworn to before me this day:
October 21, 2015

Signature of Court Employee and Title

(Sign Name)

JA
Jemmil Aponte
38 Glenwood Ave
Apt 1 D
Yonkers, NY 10701-2240

City of New York,
County of New York

Index No: CV-048231-10/NY



8-614 West 189th Street LLC

Plaintiff(s)

-against-

Jemmil Aponte; Joanna Santos

Defendant(s)

ANSWER IN PERSON AND VERIFICATION

Defendant is advised to mail a copy of this Answer to:

Kavulich & Associates PC (Counsel for
Plt(s))

181 Westchester Avenue

Suite 500C

Port Chester, NY 10573

State of New York, County of New York:

I, **Jemmil Aponte**, am the Defendant in this action. As my answer to the allegation(s) made in the Complaint, I offer the following:

1. General Denial

2. I DO NOT owe the AMOUNT OF MONEY they ARE CLAIMING I owe.

3. Counterclaim: \$ _____ Reason: _____

Date: 10/21/2015

[Signature]
Signature of Defendant in Person

Jemmil Aponte, residing at 38 Glenwood Ave, Apt 1 D,
Yonkers, NY 10701-2240

VERIFICATION

State of New York, County of New York

Jemmil Aponte, being duly sworn, deposes and says: I am the Defendant in this proceeding. I have read the Answer in Person and know the contents thereof to be true to my own knowledge except as to those matters stated on information and belief, and as to those matters I believe them to be true.

Sworn to before me this 21ST day of OCT 20 15
[Signature]
Notary Public / Court Employee and Title

[Signature]
Defendant

For Court Use Only

Initial Calendar Date: _____

Both Sides Notified: _____

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

608-614 West 189th Street, LLC,
Plaintiff,

INDEX NO.
FILE NO. 12752 048231

2010

-against-

SUMMONS
Place of Venue is Plaintiff's
place of business

Jemmil Aponte, Joanna Santos,

608-610 West 189th Street
New York, NY 10040

Defendant(s)

To the above named defendant(s):

YOU ARE HEREBY SUMMONED to appear at the CIVIL COURT OF THE CITY OF NEW YORK, COUNTY OF NEW YORK at the office of the clerk of the said Court at 111 Centre Street, New York, NY 10013, in the COUNTY OF NEW YORK, State of New York, within the time provided by law as noted below and to file an answer to the below complaint with the clerk: upon your failure to answer, judgment will be taken against you for the sum of \$9,500.00 with interest thereon from December 1, 2009 together with costs of this action.

DATED: September 1, 2010

FILED
SEP 01 2010
NEW YORK COUNTY
CIVIL COURT

By: Gary Kavulich, Esq.,
Kavulich & Associates, P.C.
Attorney for the Plaintiff
30 Church Street, Suite 26
New Rochelle, NY 10801
(914) 355-2074

Defendant's Address:

Jemmil Aponte
38 Glenwood Avenue, Apt. 1D
Yonkers, NY 10701-2240

Joanna Santos
620 W. 189th Street, Apt. 2F
New York, NY 10040-4224

Note: The law that provides that: (a) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) If the summons is served by any means other than personal delivery to you within the City of New York, you must appear and answer within THIRTY days after proof of service thereof is filed with the Clerk of this Court.

COMPLAINT

FIRST ACTION: Plaintiff seeks to recover damages from defendant(s) for breach of a lease agreement in the sum of \$9,000.00 representing rental arrears for the months of December, 2009 balance of \$500.00; January, 2010 through and including May, 2010 at the agreed monthly sum of \$1,700.00 for the premises known as 608-610 West 189th Street, Apt. 3A, New York, NY 10040 together with costs and disbursements of this action and for such other and further relief as the court may deem just.

SECOND ACTION: Plaintiff seeks to recover damages from the defendant in the sum of \$ 0.00 representing damages together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

THIRD ACTION: Plaintiff seeks to recover damages from the defendant in the sum of \$500.00 representing reasonable attorneys fees together with costs and disbursements of this action and for such other further relief as the Court may deem just.

WHEREFORE, Plaintiff demands judgment (A) on the First Action, in the sum of \$9,000.00 plus interest from December 1, 2009 together with costs and disbursements of this action and for such other and further relief as the Court may deem just (B) on the Second Action, in the sum of \$ 0.00 plus interest from December 1, 2009 together with costs and disbursements of action and for such other and further relief as the Court may deem just, (C) on the Third Action, in the sum of \$500.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

AFFIDAVIT OF SERVICE

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORKIndex No. 48231/10
Filed: _____

Attorneys: Kavulich & Associates, P.C.

Address: 30 Church Street, Suite 26, New Rochelle, NY 10801 File No. 12752

608-614 WEST 189TH STREET LLC,

vs.

JEMMIL APONTE,
JOANNA SANTOS,

State of New York County of Nassau SS:

Aston G. Evans II, being duly sworn deposes and says:Deponent is not a party herein, is over 18 years of age. On September 4, 2010 at 2:30p.m.At: 38 Glenwood Avenue, Apt. 1D, Yonkers, NY 10701-2240 served the within Summons and Complaint on: JEMMIL APONTE, Defendant therein namedIndividual By delivering a true copy of each to said recipient: deponent knew the person
☐ served to be the person described as said person therein.Corporation By delivering to and leaving with _____ and that deponent knew the
☐ person so served and authorized to accept service on behalf of the CorporationSuitable Age By delivering a true copy of each to a person of suitable age and discretion
Person Said premises is recipients ☐ actual place of business ☐ dwelling house within the
☐ state.Affixing By affixing a true copy of each to the door of said premises, which is recipients
to Door ☐ actual place of business ☒ dwelling house (place of abode) within the state
☒Mail Copy On September 7, 2010 deponent completed service under the last two sections by
☒ depositing a copy of the Summons and Complaint to the above address in a 1"
Class properly addressed envelope marked "Personal and Confidential" in an official
depository under the exclusive care and custody of the United States Post Office in the State
of New York.Deponent was unable, with due diligence to find the recipient or a person of suitable age
and discretion having called thereat:NEW YORK COUNTY
CIVIL COURT
On the 2nd day of September, 2010 at 2:49p.m.
On the 3rd day of September, 2010 at 12:00p.m.
22NYCRR2086 MAKING
NOT RECEIVED
On the 4th day of September, 2010 at 2:30p.m.Description A description of the Defendant, or other person served on behalf of the Defendant
☐ Sex: _____ Color of skin: _____ Color of Hair: _____ Age: _____ Height: _____ Weight: _____Military Svce Deponent asked person spoken to whether the recipient was presently in military
☒ service of the United States Government or of the State of New York and was
informed that the recipient is not. Recipient wore civilian clothes and no military uniform

Other

☒ "Jane Doe" neighbor stated that the Defendant is not in the military.Sworn to before me on this 9/10 day of 9/10Aston G. Evans II
LIC# 1220069Cheryl Marsh
County of Bronx

Cheryl Marsh

Lic. No. 011140042816

Commission Expires June 5, 2014

AFFIDAVIT OF SERVICE

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

Index No. 48231/10

Filed: _____

Attorneys: Kavulich & Associates, P.C.

Address: 30 Church Street, Suite 26, New Rochelle, NY 10801 File No. 12752

608-614 WEST 189TH STREET LLC,

vs.

JEMMIL APONTE,
JOANNA SANTOS,

State of New York County of Nassau SS:

Aston G. Evans II, being duly sworn deposes and says:Deponent is not a party herein, is over 18 years of age. On September 4, 2010 at 1:39p.m.At: 620 W. 189th Street, Apt. 2F, New York, NY 10040-4224 served the within Summons and Complaint on: JOANNA SANTOS, Defendant therein namedIndividual By delivering a true copy of each to said recipient: deponent knew the person
☐ served to be the person described as said person therein.Corporation By delivering to and leaving with _____ and that deponent knew the
☐ person so served and authorized to accept service on behalf of the CorporationSuitable Age By delivering a true copy of each to a person of suitable age and discretion
Person Said premises is recipients ☐ actual place of business ☐ dwelling house within the
☐ state.Affixing By affixing a true copy of each to the door of said premises, which is recipients
to Door ☐ actual place of business ☒ dwelling house (place of abode) within the state
☒Mail Copy On September 7, 2010 deponent completed service under the last two sections by
☒ depositing a copy of the Summons and Complaint to the above address in a 1st
Class properly addressed envelope marked "Personal and Confidential" in an official
depository under the exclusive care and custody of the United States Post Office in the State
of New York.Deponent was unable, with due diligence to find the recipient or a person of suitable age
and discretion having called thereat:

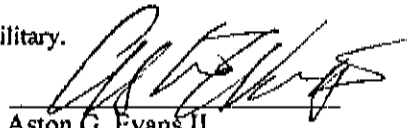
NEW YORK COUNTY

CIVIL COURT 2nd day of September, 2010 at 1:48p.m.On the 3rd day of September, 2010 at 12:45p.m.

22NYCRR2006 MAILING day of September, 2010 at 1:39p.m.

Description A description of the Defendant, or other person served on behalf of the Defendant
☐ Sex: _____ Color of skin: _____ Color of Hair: _____ Age: _____ Height: _____ Weight: _____Military Svce Deponent asked person spoken to whether the recipient was presently in military
☒ service of the United States Government or of the State of New York and was
informed that the recipient is not. Recipient wore civilian clothes and no military uniform

Other

☒ "Jane Doe" neighbor stated that the Defendant is not in the military.Sworn to before me on this 9/10 day of 9/10
Aston G. Evans II
LIC# 1220069
Notary Public

County of Nassau

Comm. Thank

Lic. No. 011140002010

Commission Expires June 3, 2014

COURT OF THE CITY OF NEW YORK
CITY OF NEW YORK

614 West 189th Street, LLC,

PLAINTIFF(S)

-AGAINST-

Jemmil Aponte, Joanna Santos

DEFENDANT(S)

INDEX NO. 48231/10

FILE NO. 12752.0
JUDGMENT

608-610 West 189th Street
New York, NY 10040

AMOUNT CLAIMED LESS PMTS ON ACCT.
INTEREST FROM 12/1/2009

\$9,000.00
\$483.75
\$9,483.75

COSTS BY STATUTE
SERVICE OF SUMMONS AND COMPLAINT
FILING OF SUMMONS AND COMPLAINT
PROSPECTIVE MARSHALL'S FEE
NOTICE OF INQUEST
TRANSCRIPT & DOCKETING

\$50.00
\$25.00
\$45.00
\$40.00
\$0.00
\$0.00
\$160.00
TOTAL \$9,643.75

STATE OF NEW YORK, COUNTY OF WESTCHESTER:

THE UNDERSIGNED, ATTORNEY AT LAW OF THE STATE OF NEW YORK, ON OF THE ATTORNEY(S) OF RECORD FOR THE PLAINTIFF(S) IN THE ABOVE ENTITLED ACTION, STATES THAT THE DISBURSEMENTS ABOVE SPECIFIED HAVE BEEN OR WILL NECESSARILY BE MADE OR INCURRED THEREIN AND ARE REASONABLE IN AMOUNT: UPON FAILURE TO ANSWER, THE TIME OF THE DEFENDANT TO APPEAR AND ANSWER HEREIN HAS EXPIRED AND THE SAID DEFENDANT HAS NOT APPEARED AND ANSWERED HEREIN. THE STATUTE OF LIMITATIONS HAS NOT EXPIRED. THE UNDERSIGNED AFFIRMS THIS STATEMENT TO BE TRUE UNDER THE PENALTIES OF PERJURY.

DATED: WESTCHESTER, NY
10/26/2010

KAVULICH & ASSOCIATES, P.C.
BY: GARY KAVULICH, ESQ.
30 CHURCH STREET, SUITE 26
NEW ROCHELLE, NY 10801

RECEIVED

OCT 28 2010

**NEW YORK COUNTY
CIVIL COURT**

JUDGMENT ENTERED ON
SERVICE OF SUMMONS AND COMPLAINT IN THIS ACTION ON THE DEFENDANT(S)
HEREIN HAVING BEEN COMPLETED ON 10/19/2010 WITHIN THE CITY OF NEW YORK ON THAT DAY AND MORE THAN 20 DAYS

HAVING ELAPSED.

BY FILING ON SAID DAY OF PROOF OF THE SERVICE THEREOF BY SUBSTITUED SERVICE ON DEFENDANT(S) AND MORE THAN 30 DAYS HAVING ELAPSED SINCE THE DAY OF COMPLETION OF SERVICE AND THE TIME OF SAID DEFENDANT(S) TO APPEAR AND ANSWER HAVING EXPIRED, AND

NOW ON MOTION OF KAVULICH & ASSOCIATES, P.C. ATTORNEY(S) FOR THE PLAINTIFF(S) IT IS, ADJUDGED THAT 608-614 West 189th Street, LLC

RESIDING AT: 608-610 West 189th Street New York, NY 10040

RECOVER OF Jemmil Aponte, Joanna Santos

RESIDING AT: 38 Glenwood Avenue Apt. 1D Yonkers, NY 10701-2240 - Jemmil Aponte

- 620 W. 189th Street Apt. 2F New York, NY 10040-4224 - JOANNA SANTOS

THE SUM OF \$9,000.00 WITH INTEREST OF \$483.75 MAKING A TOTAL OF \$9,483.75 TOGETHER WITH \$160.00 COSTS AND DISBURSEMENTS, AMOUNTING IN ALL TO THE SUM OF \$9,643.75 AND THAT PLAINTIFF HAVE EXECUTION THEREFORE. SECOND AND THIRD CAUSES OF ACTION ARE HEREBY WAIVED.

CLERK

COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

608-614 West 189th Street, LLC,
PLAINTIFF(S)

AGAINST

Jemmil Aponte, Joanna Santos
DEFENDANT(S)

AFFIDAVIT OF FACTS
CONSTITUTING THE CLAIM
THE DEFAULT AND THE
AMOUNT DUE

STATE OF NEW YORK COUNTY OF WESTCHESTER

SS: GARY KAVULICH, ESQ. HEREBY DEPOSES AND SAYS UNDER THE PENALTIES OF PURJURY, THAT DEPONENT IS THE ATTORNEY FOR THE PLAINTIFF(S) IN THE WITHIN ACTION; THIS ACTION WAS COMMENCED BY SUBSTITUTED SERVICE OF THE SUMMONS AND COMPLAINT UPON DEFENDANT(S) AND IS AN ACTION FOR RENT DUE AND OWING FOR (AFTER APPLICATION OF PAYMENT AND SECURITY DEPOSIT)

December, 2009 balance of \$500.00

January, 2010 \$1,700.00

February, 2010 \$1,700.00

March, 2010 \$1,700.00

April, 2010 \$1,700.00

May, 2010 \$1,700.00

AT THE AGREED MONTHLY RENTAL OF \$1,700.00

ALL OTHER CAUSES OF ACTION ARE HEREBY WAIVED AND DISPOSED. AFTER A COMPLETE AND THOROUGH INVESTIGATION THE DEFENDANT IS FOUND NOT TO BE IN THE MILITARY AND RESIDES WITHIN THE CITY OF NEW YORK. RENT WAS NOT PAID BY ANY OTHER SOURCE. I MAKE THIS AFFIRMATION UPON INFORMATION AND BELIEF, A BELIEF PRECIPITATED UPON CONVERSATIONS WITH MY CLIENT, MY INVOLVEMENT IN THE PROCEEDING AND READING THE FILE IN THIS CASE.

SECOND AND THIRD CAUSES OF ACTION ARE HEREBY WAIVED. THE CAUSE OF ACTION IN THE WITHIN MATTER ACCRUED IN THE STATE OF NEW YORK WHERE THE STATUTE OF LIMITATIONS ON A CONTRACT, UPON WHICH THE ACTION IS BASED, IS SIX(6) YEARS. THE STATUTE OF LIMITATIONS HAS NOT EXPIRED

WHEREFORE DEPONENT DEMANDS JUDGMENT AGAINST DEFENDANT(S) FOR \$9,000.00 WITH INTEREST FROM 12/1/2009 TOGETHER WITH COSTS AND DISBURSEMENTS OF THE ACTION.

KAVULICH & ASSOCIATES, P.C.
BY: GARY KAVULICH, ESQ.
30 CHURCH STREET, SUITE 26
NEW ROCHELLE, NY 10801

TO THE DEFENDANT(S): PLEASE TAKE NOTICE THAT THE WITHIN IS A TRUE COPY OF A JUDGMENT MADE AND ENTERED IN THE WITHIN ENTITLED ACTION AND DULY FILED IN THE OFFICE OF THE CLERK OF THE COURT ON

DATED: WESTCHESTER, NY
10/26/2010

YOURS, ETC.,
ATTORNEYS FOR PLAINTIFF

STATE OF NEW YORK, COUNTY OF SS:
BEING DULY SWORN, DEPOSES AND SAYS; THAT DEPONENT IS NOT A PARTY TO THE ACTION, IS OVER 18 YEARS OF AGE AND RESIDES IN

THAT ON DEPONENT SERVED A TRUE COPY OF THE WITHIN JUDGMENT AND NOTICE OF ENTRY THEREOF (EACH OF) THE FOLLOWING NAMED DEFENDANT(S) AT THE ADDRESS(ES) INDICATED (FOR EACH):

BY DEPOSITING SAME ENCLOSED IN POSTPAID PROPERLY ADDRESSED WRAPPER(S), IN -A POST OFFICE- OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE UNITED STATES POSTAL SERVICE WITHIN NEW YORK STATE.

SWORN TO BEFORE ME ON

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

608-614 West 189th Street, LLC,

PLAINTIFF(S)

-AGAINST-

Jemmil Aponte, Joanna Santos

DEFENDANT(S)

INDEX NO. 48231/10

AFFIRMATION OF
MAILING OF ADDITIONAL
NOTICE OF SUIT

GARY KAVULICH, ESQ., HEREBY AFFIRMS THE FOLLOWING UNDER THE PENALTY OF PERJURY.

1. I AM THE ATTORNEY FOR THE PLAINTIFF(S) HEREIN.
2. THE ABOVE ENTITLED ACTION IS AGAINST A NATURAL PERSON AND IS BASED UPON NON PAYMENT OF A CONTRACTUAL OBLIGATION.
3. ON 9/13/2010, I MAILED A COPY OF THE SUMMONS AND COMPLAINT IN THE ABOVE ENTITLED ACTION BY DEPOSITING THE ENVELOPE(S) IN AN OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE U.S. POSTAL SERVICE WITHIN NEW YORK STATE. SAID MAILING WAS BY FIRST CLASS MAIL IN A POSTPAID ENVELOPE(S), PROPERLY ADDRESSED TO THE DEFENDANT(S), THE ENVELOPE(S) BORE THE LEGEND "PERSONAL & CONFIDENTIAL" AND THERE WAS NO INDICATION ON THE OUTSIDE OF THE ENVELOPE(S) THAT THE COMMUNICATION WAS FROM AN ATTORNEY OR CONCERNED AN ALLEGED DEBT. AT DEFENDANT(S):

~~X~~ LAST KNOWN ADDRESS AT: Jemmil Aponte, 38 Glenwood Avenue Apt. 1D Yonkers, NY 10701-2240
Joanna Santos: 620 W. 189th Street Apt. 2F New York, NY 10040-4224

-----PLACE OF EMPLOYMENT AT:

THE ENVELOPE BORE THE LEGEND "PERSONAL & CONFIDENTIAL" AND THERE WAS NO INDICATION ON THE OUTSIDE OF THE ENVELOPE THAT THE COMMUNICATION WAS FROM AN ATTORNEY OR CONCERNED AN ALLEGED DEBT.

-----A KNOWN ADDRESS OF THE DEFENDANT AT:

THIS ADDRESS IS NOT THE RESIDENCE OR PLACE OF EMPLOYMENT OF THE DEFENDANT.

THE AFOREMENTIONED MAILING:

~~X~~ HAS NOT BEEN RETURNED UNDELIVERABLE BY POSTAL SERVICE.

-----WAS RETURNED UNDELIVERABLE BY POSTAL SERVICE AND WAS RE-SENT TO THE DEFENDANT AT:


GARY KAVULICH, ESQ.

COURT OF THE CITY OF NEW YORK
CITY OF NEW YORK

608-614 West 189th Street, LLC,

PLAINTIFF,

-AGAINST-

Joanna Santos, Jemmil Aponte,

DEFENDANT(S)

INDEX NO:
FILE NO: 12752.0

AFFIRMATION OF FACTS
CONSTITUTING THE
AMOUNT DUE

X

Javier Fuentes

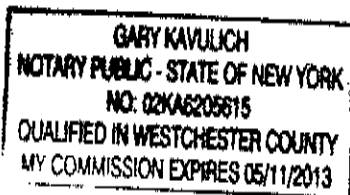
hereby deposes and says under the penalties of perjury, ss:
That deponent is the managing agent of 608-614 West 189th Street, LLC, Plaintiff in the within action; this action was commenced by substituted service of the summons and complaint upon defendant(s) and is an action for breach of a lease agreement in the amount of \$9,000.00 for the months December, 2009 balance of \$500.00; January, 2010 through and including May, 2010 at the agreed monthly rental amount of \$1,700.00 per month (after application of security and after application of payments) no part having been paid, although duly demanded and Damages in the amount of \$0.00. All other causes of action are hereby waived and disposed of. After a complete and thorough investigation, as I have been informed by Plaintiff's counsel, the defendant(s) is/are found not to be in the military and reside(s) in the City of New York. Rent was not paid by any other source. I make this affirmation upon personal Knowledge.

WHEREFORE, Plaintiff demands judgment against defendant for \$9,000.00 with interest from December 1, 2009 together with costs and disbursements of the action.

Dated: 10/26/2010

Sworn to before me
on this 26th day of October, 2010

Notary Public



Javier Fuentes
JAVIER FUENTES

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

-----X
608-614 West 189th Street, LLC,

Plaintiff,

Index No. 48231/10
File No. 12752.0

-against-

AFFIDAVIT OF
INVESTIGATOR

Jemmil Aponte, Joanna Santos
[REDACTED] 8025 Defendant(s).
-----X

STATE OF NEW YORK)
) SS.: [REDACTED] 8025
COUNTY OF WESTCHESTER)

I am over 18 years of age, am not a party to this action and reside in Westchester County, State of New York.

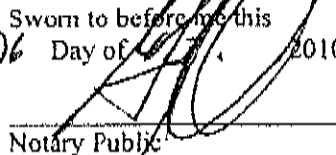
I have been requested by Kavulich & Associates, P.C. attorney for the Plaintiff, to make an investigation to ascertain if the Defendant(s) Jemmil Aponte is at the present time in military service for the purpose of entry of judgment.

On October 26, 2010, I Denise Miranda, contacted the Defense manpower Data Center concerning the Defendant Jemmil Aponte military status.

I inputted the Defendant's name and social security number, as provided by the Defendant him/herself, into the Defense Manpower Data Center.

Under the Defendant's social security number I received an affidavit from the Defense Manpower Data Center stating that the said Defendant is not currently in the military service of the United States and the State of New York (National Guard).


Denise Miranda

Sworn to before me this
26 Day of [REDACTED], 2010

Notary Public

GARY KAVULICH
NOTARY PUBLIC-STATE OF NEW YORK
NO:02KA6205615
QUALIFIED IN WESTCHESTER COUNTY
MY COMMISSION EXPIRES 05/11/2013

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

608-614 West 189th Street, LLC,

Plaintiff,

Index No. 48231/10
File No. 12752.0

-against-

Joanna Santos

Joanna Santos,
Defendant(s).

AFFIDAVIT OF
INVESTIGATOR

7257

STATE OF NEW YORK

)

)SS.: 7257

COUNTY OF WESTCHESTER

)

I am over 18 years of age, am not a party to this action and reside in Westchester County,
State of New York.

I have been requested by Kavulich & Associates, P.C. attorney for the Plaintiff, to make
an investigation to ascertain if the Defendant(s) Joanna Santos is at the present
time in military service for the purpose of entry of judgment.

On October 26, 2010, I Denise Miranda, contacted the Defense manpower Data Center
concerning the Defendant Joanna Santos military status.

I inputted the Defendant's name and social security number, as provided by the Defendant him/herself, into the Defense
Manpower Data Center.

Under the Defendant's social security number I received an affidavit from the Defense
Manpower Data Center stating that the said Defendant is not currently in the military
service of the United States and the State of New York (National Guard).

Denise Miranda

Sworn to before me this

26 Day of

, 2010

Notary Public

GARY KAVULICH
NOTARY PUBLIC-STATE OF NEW YORK
NO:02KA6205615
QUALIFIED IN WESTCHESTER COUNTY
MY COMMISSION EXPIRES 05/11/2013

Department of Defense Manpower Data Center

Oct-26-2010 10:36:35



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
APONTE	JEMMIL	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:ANDQAF0S8C

Department of Defense Manpower Data Center

Oct-26-2010 10:30:41



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
SANTOS	JOANNA	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

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Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
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Report ID:TM1OMGEH98

New York County Civil Court
Civil Judgment

Plaintiff(s):
608-614 West 189th Street Llc

Index Number: CV-048231-10/NY

vs.

Judgment issued: On Default

On Motion of:

Defendant(s):
Jemmil Aponte;
Joanna Santos

Kavulich & Associates P.C.
30 Church Street, Suite 26, New Rochelle, NY
10801-

Amount claimed	\$9,000.00	Index Number Fee	\$45.00	Transcript Fee	\$0.00
Less Payments made	\$0.00	Consumer Credit Fee	\$0.00	County Clerk Fee	\$0.00
Less Counterclaim Offset	\$0.00	Service Fee	\$25.00	Enforcement Fee	\$40.00
Interest 12/01/2009	\$483.75	Non-Military Fee	\$0.00	Other Disbursements	\$0.00
Attorney Fees	\$0.00	Notice of Trial Fee	\$0.00	Other Costs	\$0.00
Cost By Statute	\$50.00	Jury Demand Fee	\$0.00		
Total Damages	\$9,483.75	Total Costs & Disbursements	\$160.00	Judgment Total	\$9,643.75

The following named parties, addressed and identified as creditors below:

Plaintiff creditor(s) and address

(1) 608-614 West 189th Street Llc
608-610 West 189th Street, New York, NY 10040-

Shall recover of the following parties, addresses and identified as debtors below:

Defendant debtor(s) and address

(1) Jemmil Aponte
38 Glenwood Ave, Apt 1 D, Yonkers, NY 10701-2240
(2) Joanna Santos
620 West 189th St, Apt 2 F, New York, NY 10040-4224

Judgment entered at the New York County Civil Court, 111 Centre Street, New York, NY 10013, in the STATE OF NEW YORK in the total amount of \$9,643.75 on 11/17/2010 at 10:54 AM.

Judgment sequence 1



Jack Baer, Chief Clerk Civil Court